

RESEARCH APPENDIX

Date Transfer Requested: 11/30/2018 (Per: CMH)

Appendix MM ... has been added to the 2017 LRB-6074

Appendix A LRB 17-5979
Appendix B LRB 17-5982
Appendix C LRB 17-5983
Appendix D LRB 17-5985
Appendix E LRB 17-5986
Appendix F LRB 17-5989
Appendix G LRB 17-5990
Appendix H LRB 17-5995
Appendix I LRB 17-5998
Appendix J LRB 17-6001
Appendix K LRB 17-6004
Appendix L LRB 17-6006
Appendix M LRB 17-6007
Appendix N LRB 17-6012
Appendix O LRB 17-6015
Appendix P LRB 17-6017
Appendix Q LRB 17-6019
Appendix R LRB 17-6021
Appendix S LRB 17-6023
Appendix T LRB 17-6024
Appendix U LRB 17-6025
Appendix V LRB 17-6027

Appendix W LRB 17-6028
Appendix X LRB 17-6031
Appendix Y LRB 17-6036
Appendix Z LRB 17-6037
Appendix AA LRB 17-6038
Appendix BB LRB 17-6039
Appendix CC LRB 17-6040
Appendix DD LRB 17-6041
Appendix EE LRB 17-6042
Appendix FF LRB 17-6043
Appendix GG LRB 17-6046
Appendix HH LRB 17-6047
Appendix II LRB 17-6048
Appendix JJ LRB 17-6049
Appendix KK LRB 17-6050
Appendix LL LRB 17-6051
Appendix MM LRB 17-6052
Appendix NN LRB 17-6058
Appendix OO LRB 17-6059
Appendix PP LRB 17-6065
Appendix QQ LRB 17-6067

2017 DRAFTING REQUEST**Bill**For: **Robin Vos (608) 266-9171**Drafter: **emueller**By: **Rep. Vos**Secondary Drafters: **jkreye**Date: **11/26/2018**

May Contact:

Same as LRB:

Submit via email: **YES**Requester's email: **Rep.Vos@legis.wisconsin.gov**Carbon copy (CC) to: **eric.mueller@legis.wisconsin.gov****joseph.kreye@legis.wisconsin.gov****zachary.wyatt@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Procedure for issuing voter identification cards

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/7	emueller 11/26/2018	kfollett 11/26/2018			
/P1	emueller 11/29/2018		dwalker 11/26/2018		
/P2		kfollett 11/29/2018	dwalker 11/29/2018		

FE Sent For:

<END>



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-6052/?

EVM: *Sf*

P1
Sf
P1

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

11/26/18

gen

- 1 **AN ACT ...; relating to:** codifying administrative code provisions related to voter
2 identification.

Analysis by the Legislative Reference Bureau

Under current law, an applicant for a driver's license or identification card must provide to the Department of Transportation 1) an identification document that includes either the applicant's photograph or both the applicant's full legal name and date of birth; 2) documentation showing the applicant's date of birth, which may be the same as item 1; 3) proof of the applicant's social security number or verification that the applicant is not eligible for a social security number; 4) documentation showing the applicant's name and address of principal residence; and 5) documentary proof that the applicant is a U.S. citizen or is otherwise lawfully present in the United States.

In 2015 and 2017, DOT promulgated rules, the first establishing and the second modifying, a procedure by which persons requesting free identification cards for the purpose of voter identification could receive these cards despite being unable to provide required documentary proof. In general, the procedure requires an applicant to provide DOT with either 1) the applicant's full legal name, date of birth, place of birth, and any other birth record information requested by DOT; or 2) the applicant's alien or U.S. citizenship and immigration service number or U.S. citizenship certificate number. DOT then shares this information with the Department of Health Services or the federal government for the purpose of verifying the applicant's identity. In general, a person may receive a voter identification card under this

procedure if either DHS or the federal government verifies the person's identity or if DOT receives acceptable alternate documentation. This bill incorporates this verification procedure into the statutes.

DOT's 2017 rule also provided a procedure by which an applicant for an identification card could obtain a card with a name other than the name that appears on the applicant's supporting documentation. The bill also incorporates this procedure into the statutes.

Under current law, an unexpired identification card issued by an accredited university or college in this state may be used as identification for voting purposes if it contains a photograph and the signature of the person to whom it was issued, it expires no later than two years after the date of issuance, and the person establishes that he or she is enrolled as a student at the university or college on election day. The Government Accountability Board (now the Elections Commission) promulgated a rule to clarify that an identification card issued by a technical college that is governed by this state's technical college system may be used for voting purposes. The bill codifies the rule.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 5.02 (6m) (f) of the statutes is amended to read:

2 5.02 (**6m**) (f) An unexpired identification card issued by a university or college
3 in this state that is accredited, as defined in s. 39.30 (1) (d), or by a technical college
4 in this state that is a member of and governed by the technical college system under
5 ch. 38, that contains the date of issuance and signature of the individual to whom it
6 is issued and that contains an expiration date indicating that the card expires no
7 later than 2 years after the date of issuance if the individual establishes that he or
8 she is enrolled as a student at the university or college on the date that the card is
9 presented. ✓

10 **SECTION 2.** 343.165 (8) of the statutes is created to read:

11 343.165 (**8**) Notwithstanding subs. (1) to (4), for an applicant requesting that
12 an identification card be provided without charge for purposes of voting, all of the
13 following apply:

✓
1 (a) Except as provided in par. (b), if a person is unable to provide proof of name
2 and date of birth, and the documents are unavailable to the person, the person may
3 make a written petition to the administrator for an exception to the requirements of
4 sub. (1) (a) or (b). The application shall include proof of identity and all of the
5 following:

6 1. A certification of the person's name, date of birth, and current residence
7 street address on the department's form.

8 2. An explanation of the circumstances by which the person is unable to provide
9 proof of name and date of birth.

10 3. Whatever documentation is available ^{that} ~~which~~ states the person's name and
11 date of birth.

12 (b) 1. If a person applies for and requests an identification card without charge
13 for the purposes of voting and the person's proof of name and date of birth or of proof
14 of citizenship, legal permanent resident status, conditional resident status, or legal
15 presence is unavailable, the person may make a written petition to the department
16 for an exception to the requirement for which proof is unavailable. The department
17 shall provide appropriate translation for any person who is unable to read or
18 understand the petition process instructions and related communications under this
19 subsection or s. 343.50 (1) (c) 2. The petition shall include the person's statement
20 under oath or affirmation of all of the following:

21 a. That the person is unable to provide proof of name and date of birth or proof
22 of citizenship, legal permanent resident status, conditional resident status, or legal
23 presence.

24 b. That the documents are unavailable to the person.

1 c. His or her name, date of birth, place of birth, and such other birth record
2 information requested by the department, or the person's alien or U.S. citizenship
3 and immigration service number or U.S. citizenship certificate number.

4 2. Upon receiving a petition that meets the requirements under subd. 1., the
5 department of transportation shall forward the petition to the central office of its
6 division of motor vehicles for processing. The department of transportation shall
7 provide the person's birth record information to the department of health services,
8 for the sole purpose of verification by the department of health services of the
9 person's birth certificate information or the equivalent document from another
10 jurisdiction, other than a province of the Dominion of Canada, or to a federal agency
11 for the sole purpose of verifying the person's certificate of birth abroad issued by the
12 U.S. department of state, or of verifying the person's alien or U.S. citizenship and
13 immigration service number or U.S. citizenship certificate number. The department
14 of transportation shall open a file containing the petition and shall create therein a
15 report with a dated record of events, including all communication to or with the
16 applicant. The department of transportation may not complete processing of the
17 application prior to receiving verification under this subdivision, except as provided
18 in subd. 3.

19 3. If the department of transportation does not receive verification under subd.
20 2. within 30 days or receives notice under subd. 2. that the birth information provided
21 in the application does not match that of the birth record custodian, the department
22 of transportation shall promptly notify the person in writing of that failure to verify
23 and request the person contact the department of transportation within 10 days. If
24 the person does not respond within 10 days, the department of transportation shall
25 send the person a second letter with substantially similar contents. If the person

1 does not respond to the ^{2nd} second letter within 10 days and the department of
2 transportation knows the person's telephone number, the department of
3 transportation shall call the person on the telephone and notify the person that the
4 birth information was not verified and request the person provide additional
5 information within 10 days. If 30 days have elapsed since the date of the first letter
6 sent under this subdivision without contact from the person, the department of
7 transportation shall suspend the investigation and send written notice that the
8 person has not responded, that the department of transportation has no further
9 leads for it to locate or obtain secondary documentation or verification of birth
10 information, that the department of transportation has suspended its investigation
11 or research until such time as the person contacts the department of transportation,
12 and that if within 180 days after the date of the written notice the person fails to
13 contact the department of transportation the petition will be denied and no further
14 identification card receipts will be issued under s. 343.50 (1) (c) 2. If the person fails
15 to contact the department of transportation within 180 days after the department of
16 transportation suspends the investigation, the department shall deny the petition
17 in writing and shall inform the person that the department of transportation will
18 resume the investigation if the person contacts the department of transportation to
19 discuss the petition. Whenever the applicant contacts the department of
20 transportation to discuss the petition, the investigation under this subdivision shall
21 begin anew, notwithstanding any prior denial due to the person's failure to timely
22 respond. The applicant shall act in good faith and use reasonable efforts to provide
23 additional information that could reasonably lead the department of transportation
24 to discover correct birth information or secondary documentation as described in
25 subd. 3g., to assist the department of transportation in processing the application.

SECTION 2

26 The department of transportation shall investigate the petition and any additional
27 information provided under this subdivision with prompt and due diligence and shall
28 use reasonable efforts to locate and obtain the secondary documentation by pursuing
29 leads provided by the person. Investigations may only be completed within the
30 division of motor vehicles' central office by employees whose regular job duties
31 include investigation and fraud detection and prevention. If the investigation
32 discovers new or corrected birth information, the department of transportation shall
33 resubmit the new or corrected birth information to the department of health services
34 for verification under subd. 2. The department of transportation shall pay any
35 actual, necessary fees required by the record custodian to obtain the secondary
36 documentation.

37 3g. If the department of health services does not verify the birth record
38 information within 30 days, the department of transportation may issue an
39 identification card to the person only if the department of transportation receives
40 verification under subd. 2., if the person provides proof of name and date of birth or
41 proof of citizenship, legal permanent resident status, conditional resident status or
42 legal presence, or if the department of transportation receives other secondary
43 documentation acceptable to the administrator and deemed sufficient under subd.
44 3., which may include the following:

- 45 a. Baptismal certificate.
- 46 b. Hospital birth certificate.
- 47 c. Delayed birth certificate.
- 48 d. Census record.
- 49 e. Early school record.
- 50 f. Family Bible record.

- 51 g. Doctor's record of post-natal care.
- 52 h. Other documentation deemed acceptable to the administrator, within his or
- 53 her reasonable discretion.
- 54 4. In this paragraph, "proof of citizenship, legal permanent resident status,
- 55 conditional resident status or legal presence" means any of the following:
- 56 a. ^AU.S. state or local government issued certificate of birth.
- 57 b. Valid U.S. passport.
- 58 c. Valid foreign passport with appropriate immigration documents, which shall
- 59 include or be accompanied by federal form I-94, arrival and departure record.
- 60 d. Certificate of U.S. citizenship.
- 61 e. ^AU.S. Certificate of naturalization.
- 62 f. Valid department of homeland security/U.S. citizenship and immigration
- 63 services federal form I-551, resident alien registration receipt card, issued since
- 64 1997.
- 65 g. Valid department of homeland security/U.S. citizenship and immigration
- 66 services federal form I-688, temporary resident identification card.
- 67 h. Valid department of homeland security/U.S. citizenship and immigration
- 68 services federal form I-688B or I-766, employment authorization document.
- 69 i. Valid department of homeland security/U.S. citizenship and immigration
- 70 services federal form I-571, refugee travel document.
- 71 j. Department of homeland security/U.S. citizenship and immigration services
- 72 federal form I-797, notice of action.
- 73 k. Department of homeland security/transportation security administration
- 74 transportation worker identification credential.

75 L. ^A U.S. department of state reception and placement program assurance form
76 (refugee version), which shall include or be accompanied by federal form I-94, arrival
77 and departure record.

78 m. Documentary proof specified in s. 343.14 (2) (es), that is approved by the
79 appropriate federal authority.

80 5. In this paragraph, "proof of identity" means a supporting document
81 identifying the person by name and bearing the person's signature, a reproduction
82 of the person's signature, or a photograph of the person. Acceptable supporting
83 documents include:

84 a. A valid operator's license, including a license from another jurisdiction,
85 except a province of the Dominion of Canada, bearing a photograph of the person.

86 b. Military discharge papers.

87 c. A U.S. government and military dependent identification card.

88 d. A valid photo identification card issued by Wisconsin or another jurisdiction,
89 except a province of the Dominion of Canada, bearing a photograph of the person.

90 e. A marriage certificate or certified copy of judgment of divorce.

91 f. A social security card issued by the social security administration.

92 g. Any document described under subd. 6., if it bears a photograph of the person
93 and was not used as proof of name and date of birth.

94 h. Department of homeland security/transportation security administration
95 transportation worker identification credential.

96 6. In this paragraph, "proof of name and date of birth" means any of the
97 following:

98 a. For a person born in Wisconsin, a copy of the person's Wisconsin birth
99 certificate issued and certified in accordance with s. 69.21.

100 b. For a person born in another jurisdiction, other than a province of the
101 Dominion of Canada, a certified copy of his or her birth certificate or the equivalent
102 document from that other jurisdiction or a certificate of birth abroad issued by the
103 U.S. department of state.

104 c. A U. S. passport.

105 d. A valid, unexpired passport issued by a foreign country with federal I-551
106 resident alien registration receipt card or federal I-94 arrival and departure record
107 that bears a photograph of the person and identifies the person's first and last names,
108 and the person's day, month, and year of birth.

109 e. A Wisconsin operator's license bearing a photograph of the person.

110 f. A Wisconsin identification card issued under s. 343.50, bearing a photograph
111 of the person, other than an identification card issued under s. 343.50 (1)(c) 2.

112 g. A federal I-551 "permanent resident alien registration receipt card."

113 h. A federal I-94 "parole edition" or "refugees version" arrival-departure
114 record, together with a certification, on the department's form, by the person, of the
115 person's name and date of birth, a copy of a U.S. department of state refugee data
116 center reception and placement program assurance form and a letter from the
117 person's sponsoring agency on its letterhead, supporting the person's application for
118 a Wisconsin identification card or operator's license and confirming the person's
119 identification. Applicants who are unable to provide a reception and placement
120 program assurance form may be issued a Wisconsin identification card or operator's
121 license, but only after their identification has been confirmed by the U.S. citizenship
122 and immigration services.

123 i. A U.S. certificate of naturalization.

124 j. A certificate of U.S. citizenship.

125 k. A federal temporary resident card or employment authorization card, I-688,
126 I-688A, I-688B, and I-766.

127 L. A Native American identification card that is issued by a federally
128 recognized tribe or a band of a federally recognized tribe, is issued in Wisconsin,
129 includes a photograph and signature or reproduction of a signature of the person, and
130 has been approved by the secretary for use as identification.

131 m. A court order under seal related to the adoption or divorce of the individual
132 or to a name or gender change that includes the person's current full legal name, date
133 of birth, and, in the case of a name change or divorce order, the person's prior name.

134 n. An armed forces of the ^{U.S.} United States common access card or DD Form 2
135 identification card issued to military personnel.

136 o. Department of homeland security/transportation security administration
137 transportation worker identification credential.

138 7. In this paragraph, "unavailable" means that the applicant does not have the
139 document and would be required to pay a government agency to obtain it.

140 (c) The administrator may delegate to the deputy administrator or to a bureau
141 director, as described in s. 15.02 (3) (c) 2., whose regular responsibilities include
142 driver licensing and identification card issuance, the authority to accept or reject
143 such extraordinary proof of name, date of birth, or U.S. citizenship under this
144 subsection.

145 (e) The denial of a petition under par. (b) is subject to judicial review in the
146 manner provided in ch. 227 for the review of administrative decisions.

147 (f) If the administrator, or delegate described in par. (c), determines that an
148 applicant has knowingly made a false statement or knowingly concealed a material
149 fact or otherwise committed a fraud in an application, petition, or additional

150 information, the department of transportation shall immediately suspend the
151 investigation, shall notify the person in writing of the suspension and the reason for
152 the suspension, and refer any suspected fraud to law enforcement.

153 (g) A person whose petition is suspended or denied due to a failure to respond
154 timely may revive the petition at any time by contacting the department to discuss
155 the petition application. If a person revives a petition, the department shall
156 immediately issue, and shall continue to reissue, an identification card receipt to the
157 person as provided in s. 343.50 (1) (c) 2., except that the department shall first
158 require the person to take a photograph if required under s. 343.50 (1) (c) 2.

159 (h) The department shall grant a petition if he or she concludes, on the basis
160 of secondary documentation or other corroborating information, that it is more likely
161 than not that the name, date of birth, and U.S. citizenship provided in the application
162 is correct.

163 SECTION 3. 343.50 (1) (c) of the statutes is renumbered 343.50 (1) (c) 1. and
164 amended to read:

165 343.50 (1) (c) 1. The department may issue a receipt to any applicant for an
166 identification card, and shall issue a receipt to an applicant requesting an
167 identification card under sub. (5) (a) 3., which receipt shall constitute a temporary
168 identification card while the application is being processed and shall be valid for a
169 period not to exceed 60 days. If the application for an identification card is processed
170 under the exception specified in s. 343.165 (7) or (8), the receipt shall include the
171 marking specified in sub. (3) (b).

172 SECTION 4. 343.50 (1) (c) 2. of the statutes is created to read:

173 343.50 (1) (c) 2. If the department issues a receipt to an applicant petitioning
174 the department under s. 343.165 (8), all of the following apply:

SECTION 4

6th

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175 a. The department shall issue the receipt not later than the sixth working day
176 after the person made the petition and shall deliver the receipt by first-class mail,
177 except that if a petition is filed or revived within 7 days before or 2 days after a
178 statewide election the department shall issue a receipt not later than 24 hours after
179 the petition is filed or revived and shall deliver the receipt by overnight or next-day
180 mail. The department shall issue a new receipt to the person not later than 10 days
181 before the expiration date of the prior receipt, and having a date of issuance that is
182 the same as the expiration date of the prior receipt. The department shall issue no
183 receipt to a person after the denial of a petition under s. 343.165 (8), unless the person
184 revives an investigation. The department shall continue to reissue identification
185 card receipts to a person unless the department cancels the identification card
186 receipt upon the circumstances specified in sub. (10), upon the issuance of an
187 operator's license or identification card to the person, upon the person's request,
188 upon the denial of the application, upon return to the department of a receipt as
189 non²deliverable, upon the person's failure to contact the department to discuss the
190 petition for a period of 180 days or more, or whenever the department receives
191 information that prohibits issuance of an identification card under sub. (1) (c). The
192 department shall require the person to take a photograph prior to reissuing an
193 identification card receipt if the photograph of the person on file with the department
194 is 8 or more years old.

195 b. An identification card receipt issued under this subdivision shall constitute
196 a temporary identification card while the application is being processed under s.
197 343.165 (8) and shall be valid for a period not to exceed the period specified in sub.
198 (1) (c). The department shall clearly mark the receipt "FOR VOTING PURPOSES
199 ONLY" as validated for use for voting as provided in ss. 5.02 (6m) (d) and 6.79 (2) (a).

200 A receipt issued under this subsection shall contain the information specified under
201 s. 343.17 (3), including the date of issuance, the expiration date, the name and
202 signature of the person to whom it was issued, and, except as authorized in sub. (4g),
203 a photograph of the individual to whom it was issued, and may contain such further
204 information as the department deems necessary.

205 c. The department shall issue a replacement identification card receipt under
206 subd 1. a. upon request of the person to whom it is issued if the receipt is lost or
207 destroyed.

208 d. Notwithstanding subd. a., the department shall cancel or refuse to issue an
209 identification card receipt under this subsection upon the circumstances specified in
210 sub. (10), upon the issuance of an operator's license or identification card to the
211 person, upon the person's request, upon the denial of the application, upon return to
212 the department of a receipt as non-deliverable, or whenever the department receives
213 information that prohibits issuance of an identification card under sub. (1) (d).
subd. 1. a.

214 e. Whenever any person, after receiving an identification card receipt under
215 this subdivision, moves from the address named in the application or in the receipt
216 issued to him or her or is notified by the local authorities or by the postal authorities
217 that the address so named has been changed, the person shall, within 30 days, notify
218 the department of his or her change of address. Upon receiving a notice of change of
219 address, the department shall promptly issue a new receipt under subd. a. showing
220 the correct address and having the expiration date of the prior receipt.

221 SECTION 5. 343.50 (3) (b) of the statutes is amended to read:

222 343.50 (3) (b) If an identification card is issued based upon the exception
223 specified in s. 343.165 (7) or (8), the card shall, in addition to any other required

legend or design, be of the design specified under s. 343.17 (3) (a) 14. and include a marking similar or identical to the marking described in s. 343.03 (3r).

SECTION 6. 343.50 (3) (c) of the statutes is created to read:

343.50 (3) (c) 1. Notwithstanding par. (a), the department may issue an identification card bearing a name other than the name that appears on a supporting document if the person provides evidence acceptable to the department that the person has used the name in a manner that qualifies the name as being legally changed under the common law of Wisconsin, including evidence of the person's prior name, changed name, the length of time the person has consistently and continuously used the changed name, an affirmation that the person no longer uses the prior name, and an affirmation that the person did not change his or her name for a dishonest or fraudulent purpose or to the injury of any other person. The department shall mark an identification card issued under this subdivision in the manner described in s. 343.03 (3r). Stats

2. Notwithstanding par. (a), the department shall approve a name change requested by a person who cannot provide supporting documentation of a lawful change of name but who does one of the following:

a. Provides proof of identity in the new name, and the department receives from the federal social security administration evidence or confirmation of the name change.

b. Applies for an identification card and provides an affidavit declaring all facts required under subd. 2. to prove a name change under the common law of Wisconsin.

(END)



11/14 Rep. Vos

Colly into state submissions

parties of Rules CR-16-040

CR-~~16-040~~ 14-061



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-6052/P1
EVM:kjf

RMK

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

11/29/18

- 1 AN ACT *to renumber and amend* 343.50 (1) (c); *to amend* 5.02 (6m) (f) and
2 343.50 (3) (b); and *to create* 343.165 (8), 343.50 (1) (c) 2. and 343.50 (3) (c) of
3 the statutes; **relating to:** codifying administrative code provisions related to
4 voter identification.

Analysis by the Legislative Reference Bureau

Under current law, an applicant for a driver's license or identification card must provide to the Department of Transportation 1) an identification document that includes either the applicant's photograph or both the applicant's full legal name and date of birth; 2) documentation showing the applicant's date of birth, which may be the same as item 1; 3) proof of the applicant's social security number or verification that the applicant is not eligible for a social security number; 4) documentation showing the applicant's name and address of principal residence; and 5) documentary proof that the applicant is a U.S. citizen or is otherwise lawfully present in the United States.

In 2015 and 2017, DOT promulgated rules, the first establishing and the second modifying, a procedure by which persons requesting free identification cards for the purpose of voter identification could receive these cards despite being unable to provide required documentary proof. In general, the procedure requires an applicant to provide DOT with either 1) the applicant's full legal name, date of birth, place of birth, and any other birth record information requested by DOT; or 2) the applicant's alien or U.S. citizenship and immigration service number or U.S. citizenship certificate number. DOT then shares this information with the Department of

Health Services or the federal government for the purpose of verifying the applicant's identity. In general, a person may receive a voter identification card under this procedure if either DHS or the federal government verifies the person's identity or if DOT receives acceptable alternate documentation. This bill incorporates this verification procedure into the statutes.

DOT's 2017 rule also provided a procedure by which an applicant for an identification card could obtain a card with a name other than the name that appears on the applicant's supporting documentation. The bill also incorporates this procedure into the statutes.

Under current law, an unexpired identification card issued by an accredited university or college in this state may be used as identification for voting purposes if it contains a photograph and the signature of the person to whom it was issued, it expires no later than two years after the date of issuance, and the person establishes that he or she is enrolled as a student at the university or college on election day. The Government Accountability Board (now the Elections Commission) promulgated a rule to clarify that an identification card issued by a technical college that is governed by this state's technical college system may be used for voting purposes. The bill codifies the rule.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 5.02 (6m) (f) of the statutes is amended to read:

2 **5.02 (6m) (f)** An unexpired identification card issued by a university or college
3 in this state that is accredited, as defined in s. 39.30 (1) (d), or by a technical college
4 in this state that is a member of and governed by the technical college system under
5 ch. 38, that contains the date of issuance and signature of the individual to whom it
6 is issued and that contains an expiration date indicating that the card expires no
7 later than 2 years after the date of issuance if the individual establishes that he or
8 she is enrolled as a student at the university or college on the date that the card is
9 presented.

10 **SECTION 2.** 343.165 (8) of the statutes is created to read:

1 343.165 (8) Notwithstanding subs. (1) to (4), for an applicant requesting that
2 an identification card be provided without charge for purposes of voting, all of the
3 following apply:

4 (a) Except as provided in par. (b), if a person is unable to provide proof of name
5 and date of birth, and the documents are unavailable to the person, the person may
6 make a written petition to the ^{department} administrator for an exception to the requirements of
7 sub. (1) (a) or (b). The application shall include proof of identity and all of the
8 following:

9 1. A certification of the person's name, date of birth, and current residence
10 street address on the department's form.

11 2. An explanation of the circumstances by which the person is unable to provide
12 proof of name and date of birth.

13 3. Whatever documentation is available that states the person's name and date
14 of birth.

15 (b) 1. If a person applies for and requests an identification card without charge
16 for the purposes of voting and the person's proof of name and date of birth or of proof
17 of citizenship, legal permanent resident status, conditional resident status, or legal
18 presence is unavailable, the person may make a written petition to the department
19 for an exception to the requirement for which proof is unavailable. The department
20 shall provide appropriate translation for any person who is unable to read or
21 understand the petition process instructions and related communications under this
22 subsection or s. 343.50 (1) (c) 2. The petition shall include the person's statement
23 under oath or affirmation of all of the following:

1 a. That the person is unable to provide proof of name and date of birth or proof
2 of citizenship, legal permanent resident status, conditional resident status, or legal
3 presence.

4 b. That the documents are unavailable to the person.

5 c. His or her name, date of birth, place of birth, and such other birth record
6 information requested by the department, or the person's alien or U.S. citizenship
7 and immigration service number or U.S. citizenship certificate number.

8 2. Upon receiving a petition that meets the requirements under subd. 1., the
9 department of transportation shall forward the petition to the central office of its
10 division of motor vehicles for processing. The department of transportation shall
11 provide the person's birth record information to the department of health services,
12 for the sole purpose of verification by the department of health services of the
13 person's birth certificate information or the equivalent document from another
14 jurisdiction, other than a province of the Dominion of Canada, or to a federal agency
15 for the sole purpose of verifying the person's certificate of birth abroad issued by the
16 federal department of state, or of verifying the person's alien or U.S. citizenship and
17 immigration service number or U.S. citizenship certificate number. The department
18 of transportation shall open a file containing the petition and shall create therein a
19 report with a dated record of events, including all communication to or with the
20 applicant. The department of transportation may not complete processing of the
21 application prior to receiving verification under this subdivision, except as provided
22 in subd. 3.

23 3. If the department does not receive verification under subd. 2. within 30 days
24 or receives notice under subd. 2. that the birth information provided in the
25 application does not match that of the birth record custodian, the department shall

1 promptly notify the person in writing of that failure to verify and request the person
2 contact the department within 10 days. If the person does not respond within 10
3 days, the department shall send the person a 2nd letter with substantially similar
4 contents. If the person does not respond to the 2nd letter within 10 days and the
5 department knows the person's telephone number, the department shall call the
6 person on the telephone and notify the person that the birth information was not
7 verified and request the person provide additional information within 10 days. If 30
8 days have elapsed since the date of the first letter sent under this subdivision without
9 contact from the person, the department shall suspend the investigation and send
10 written notice that the person has not responded, that the department has no further
11 leads for it to locate or obtain secondary documentation or verification of birth
12 information, that the department has suspended its investigation or research until
13 such time as the person contacts the department, and that if within 180 days after
14 the date of the written notice the person fails to contact the department the petition
15 will be denied and no further identification card receipts will be issued under s.
16 343.50 (1) (c) 2. If the person fails to contact the department within 180 days after
17 the department suspends the investigation, the department shall deny the petition
18 in writing and shall inform the person that the department will resume the
19 investigation if the person contacts the department to discuss the petition.
20 Whenever the applicant contacts the department to discuss the petition, the
21 investigation under this subdivision shall begin anew, notwithstanding any prior
22 denial due to the person's failure to timely respond. The applicant shall act in good
23 faith and use reasonable efforts to provide additional information that could
24 reasonably lead the department to discover correct birth information or secondary
25 documentation as described in subd. 3g., to assist the department in processing the

1 application. The department shall investigate the petition and any additional
2 information provided under this subdivision with prompt and due diligence and shall
3 use reasonable efforts to locate and obtain the secondary documentation by pursuing
4 leads provided by the person. Investigations may only be completed within the
5 division of motor vehicles' central office by employees whose regular job duties
6 include investigation and fraud detection and prevention. If the investigation
7 discovers new or corrected birth information, the department of transportation shall
8 resubmit the new or corrected birth information to the department of health services
9 for verification under subd. 2. The department of transportation shall pay any
10 actual, necessary fees required by the record custodian to obtain the secondary
11 documentation.

12 3g. If the department of health services does not verify the birth record
13 information within 30 days, the department of transportation may issue an
14 identification card to the person only if the department of transportation receives
15 verification under subd. 2., if the person provides proof of name and date of birth or
16 proof of citizenship, legal permanent resident status, conditional resident status or
17 legal presence, or if the department of transportation receives other secondary
18 documentation acceptable to the ^{department of transportation} ~~administrator~~ and deemed sufficient under subd.

19 3., which may include the following:

- 20 a. Baptismal certificate.
- 21 b. Hospital birth certificate.
- 22 c. Delayed birth certificate.
- 23 d. Census record.
- 24 e. Early school record.
- 25 f. Family Bible record.

1 g. Doctor's record of post-natal care.

2 h. Other documentation deemed acceptable to the administrator within his or
3 her ^{e the department's} reasonable discretion. _{department of transportation}

4 4. In this paragraph, "proof of citizenship, legal permanent resident status,
5 conditional resident status or legal presence" means any of the following:

6 a. A U.S. state or local government issued certificate of birth.

7 b. Valid U.S. passport.

8 c. Valid foreign passport with appropriate immigration documents, which shall
9 include or be accompanied by federal form I-94, arrival and departure record.

10 d. Certificate of U.S. citizenship.

11 e. A U.S. Certificate of naturalization.

12 f. Valid department of homeland security/U.S. citizenship and immigration
13 services federal form I-551, resident alien registration receipt card, issued since
14 1997.

15 g. Valid department of homeland security/U.S. citizenship and immigration
16 services federal form I-688, temporary resident identification card.

17 h. Valid department of homeland security/U.S. citizenship and immigration
18 services federal form I-688B or I-766, employment authorization document.

19 i. Valid department of homeland security/U.S. citizenship and immigration
20 services federal form I-571, refugee travel document.

21 j. Department of homeland security/U.S. citizenship and immigration services
22 federal form I-797, notice of action.

23 k. Department of homeland security/transportation security administration
24 transportation worker identification credential.

1 L. A U.S. department of state reception and placement program assurance
2 form (refugee version), which shall include or be accompanied by federal form I-94,
3 arrival and departure record.

4 m. Documentary proof specified in s. 343.14 (2) (es), that is approved by the
5 appropriate federal authority.

6 5. In this paragraph, "proof of identity" means a supporting document
7 identifying the person by name and bearing the person's signature, a reproduction
8 of the person's signature, or a photograph of the person. Acceptable supporting
9 documents include:

10 a. A valid operator's license, including a license from another jurisdiction,
11 except a province of the Dominion of Canada, bearing a photograph of the person.

12 b. Military discharge papers.

13 c. A U.S. government and military dependent identification card.

14 d. A valid photo identification card issued by Wisconsin or another jurisdiction,
15 except a province of the Dominion of Canada, bearing a photograph of the person.

16 e. A marriage certificate or certified copy of judgment of divorce.

17 f. A social security card issued by the social security administration.

18 g. Any document described under subd. 6., if it bears a photograph of the person
19 and was not used as proof of name and date of birth.

20 h. Department of homeland security/transportation security administration
21 transportation worker identification credential.

22 6. In this paragraph, "proof of name and date of birth" means any of the
23 following:

24 a. For a person born in Wisconsin, a copy of the person's Wisconsin birth
25 certificate issued and certified in accordance with s. 69.21.

1 b. For a person born in another jurisdiction, other than a province of the
2 Dominion of Canada, a certified copy of his or her birth certificate or the equivalent
3 document from that other jurisdiction or a certificate of birth abroad issued by the
4 federal department of state.

5 c. A U.S. passport.

6 d. A valid, unexpired passport issued by a foreign country with federal I-551
7 resident alien registration receipt card or federal I-94 arrival and departure record
8 that bears a photograph of the person and identifies the person's first and last names,
9 and the person's day, month, and year of birth.

10 e. A Wisconsin operator's license bearing a photograph of the person.

11 f. A Wisconsin identification card issued under s. 343.50, bearing a photograph
12 of the person, other than an identification card issued under s. 343.50 (1) (c) 2.

13 g. A federal I-551 "permanent resident alien registration receipt card."

14 h. A federal I-94 "parole edition" or "refugees version" arrival-departure
15 record, together with a certification, on the department's form, by the person, of the
16 person's name and date of birth, a copy of a federal department of state refugee data
17 center reception and placement program assurance form and a letter from the
18 person's sponsoring agency on its letterhead, supporting the person's application for
19 a Wisconsin identification card or operator's license and confirming the person's
20 identification. Applicants who are unable to provide a reception and placement
21 program assurance form may be issued a Wisconsin identification card or operator's
22 license, but only after their identification has been confirmed by the U.S. citizenship
23 and immigration services.

24 i. A U.S. certificate of naturalization.

25 j. A certificate of U.S. citizenship.

1 k. A federal temporary resident card or employment authorization card, I-688,
2 I-688A, I-688B, and I-766.

3 L. A Native American identification card that is issued by a federally
4 recognized tribe or a band of a federally recognized tribe, is issued in Wisconsin,
5 includes a photograph and signature or reproduction of a signature of the person, and
6 has been approved by the secretary for use as identification.

7 m. A court order under seal related to the adoption or divorce of the individual
8 or to a name or gender change that includes the person's current full legal name, date
9 of birth, and, in the case of a name change or divorce order, the person's prior name.

10 n. An armed forces of the U.S. common access card or DD Form 2 identification
11 card issued to military personnel.

12 o. Department of homeland security/transportation security administration
13 transportation worker identification credential.

14 7. In this paragraph, "unavailable" means that the applicant does not have the
15 document and would be required to pay a government agency to obtain it.

16 (c) The administrator may delegate to the deputy administrator or to a bureau
17 director, as described in s. 15.02 (3) (c) 2., whose regular responsibilities include
18 driver licensing and identification card issuance, the authority to accept or reject
19 such extraordinary proof of name, date of birth, or U.S. citizenship under this
20 subsection.

21 (e) The denial of a petition under par. (b) is subject to judicial review in the
22 manner provided in ch. 227 for the review of administrative decisions.

23 (f) If the administrator, or delegate described in par. (c), determines that an
24 applicant has knowingly made a false statement or knowingly concealed a material
25 fact or otherwise committed a fraud in an application, petition, or additional

1 information, the department shall immediately suspend the investigation, shall
2 notify the person in writing of the suspension and the reason for the suspension, and
3 refer any suspected fraud to law enforcement.

4 (g) A person whose petition is suspended or denied due to a failure to respond
5 timely may revive the petition at any time by contacting the department to discuss
6 the petition application. If a person revives a petition, the department shall
7 immediately issue, and shall continue to reissue, an identification card receipt to the
8 person as provided in s. 343.50 (1) (c) 2., except that the department shall first
9 require the person to take a photograph if required under s. 343.50 (1) (c) 2.

10 (h) The department shall grant a petition if ^{the department} ~~he or she~~ concludes, on the basis
11 of secondary documentation or other corroborating information, that it is more likely
12 than not that the name, date of birth, and U.S. citizenship provided in the application
13 is correct.

14 **SECTION 3.** 343.50 (1) (c) of the statutes is renumbered 343.50 (1) (c) 1. and
15 amended to read:

16 343.50 (1) (c) 1. The department may issue a receipt to any applicant for an
17 identification card, and shall issue a receipt to an applicant requesting an
18 identification card under sub. (5) (a) 3., which receipt shall constitute a temporary
19 identification card while the application is being processed and shall be valid for a
20 period not to exceed 60 days. If the application for an identification card is processed
21 under the exception specified in s. 343.165 (7) or (8), the receipt shall include the
22 marking specified in sub. (3) (b).

23 **SECTION 4.** 343.50 (1) (c) 2. of the statutes is created to read:

24 343.50 (1) (c) 2. If the department issues a receipt to an applicant petitioning
25 the department under s. 343.165 (8), all of the following apply:

1 a. The department shall issue the receipt not later than the 6th working day
2 after the person made the petition and shall deliver the receipt by 1st class mail,
3 except that if a petition is filed or revived within 7 days before or 2 days after a
4 statewide election the department shall issue a receipt not later than 24 hours after
5 the petition is filed or revived and shall deliver the receipt by overnight or next-day
6 mail. The department shall issue a new receipt to the person not later than 10 days
7 before the expiration date of the prior receipt, and having a date of issuance that is
8 the same as the expiration date of the prior receipt. The department shall issue no
9 receipt to a person after the denial of a petition under s. 343.165 (8), unless the person
10 revives an investigation. The department shall continue to reissue identification
11 card receipts to a person unless the department cancels the identification card
12 receipt upon the circumstances specified in sub. (10), upon the issuance of an
13 operator's license or identification card to the person, upon the person's request,
14 upon the denial of the application, upon return to the department of a receipt as
15 nondeliverable, upon the person's failure to contact the department to discuss the
16 petition for a period of 180 days or more, or whenever the department receives
17 information that prohibits issuance of an identification card under sub. (1) (c). The
18 department shall require the person to take a photograph prior to reissuing an
19 identification card receipt if the photograph of the person on file with the department
20 is 8 or more years old.

21 b. An identification card receipt issued under this subdivision shall constitute
22 a temporary identification card while the application is being processed under s.
23 343.165 (8) and shall be valid for a period not to exceed the period specified in sub.
24 (1) (c). The department shall clearly mark the receipt "FOR VOTING PURPOSES
25 ONLY" as validated for use for voting as provided in ss. 5.02 (6m) (d) and 6.79 (2) (a).

1 A receipt issued under this subsection shall contain the information specified under
2 s. 343.17 (3), including the date of issuance, the expiration date, the name and
3 signature of the person to whom it was issued, and, except as authorized in sub. (4g),
4 a photograph of the individual to whom it was issued, and may contain such further
5 information as the department deems necessary.

6 c. The department shall issue a replacement identification card receipt under
7 subd 1. a. upon request of the person to whom it is issued if the receipt is lost or
8 destroyed.

9 d. Notwithstanding subd. 2. a., the department shall cancel or refuse to issue
10 an identification card receipt under this subsection upon the circumstances specified
11 in sub. (10), upon the issuance of an operator's license or identification card to the
12 person, upon the person's request, upon the denial of the application, upon return to
13 the department of a receipt as nondeliverable, or whenever the department receives
14 information that prohibits issuance of an identification card under subd. 1.

15 e. Whenever any person, after receiving an identification card receipt under
16 this subdivision, moves from the address named in the application or in the receipt
17 issued to him or her or is notified by the local authorities or by the postal authorities
18 that the address so named has been changed, the person shall, within 30 days, notify
19 the department of his or her change of address. Upon receiving a notice of change of
20 address, the department shall promptly issue a new receipt under subd. 2. a. showing
21 the correct address and having the expiration date of the prior receipt.

22 **SECTION 5.** 343.50 (3) (b) of the statutes is amended to read:

23 343.50 (3) (b) If an identification card is issued based upon the exception
24 specified in s. 343.165 (7) or (8), the card shall, in addition to any other required

1 legend or design, be of the design specified under s. 343.17 (3) (a) 14. and include a
2 marking similar or identical to the marking described in s. 343.03 (3r).

3 **SECTION 6.** 343.50 (3) (c) of the statutes is created to read:

4 343.50 (3) (c) 1. Notwithstanding par. (a), the department may issue an
5 identification card bearing a name other than the name that appears on a supporting
6 document if the person provides evidence acceptable to the department that the
7 person has used the name in a manner that qualifies the name as being legally
8 changed under the common law of Wisconsin, including evidence of the person's prior
9 name, changed name, the length of time the person has consistently and
10 continuously used the changed name, an affirmation that the person no longer uses
11 the prior name, and an affirmation that the person did not change his or her name
12 for a dishonest or fraudulent purpose or to the injury of any other person. The
13 department shall mark an identification card issued under this subdivision in the
14 manner described in s. 343.03 (3r).

15 2. Notwithstanding par. (a), the department shall approve a name change
16 requested by a person who cannot provide supporting documentation of a lawful
17 change of name but who does one of the following:

18 a. Provides proof of identity in the new name, and the department receives from
19 the federal social security administration evidence or confirmation of the name
20 change.

21 b. Applies for an identification card and provides an affidavit declaring all facts
22 required under subd. 1. to prove a name change under the common law of Wisconsin.

23 (END)



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-6052/P2
EVM:kjf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to renumber and amend* 343.50 (1) (c); *to amend* 5.02 (6m) (f) and
2 343.50 (3) (b); and *to create* 343.165 (8), 343.50 (1) (c) 2. and 343.50 (3) (c) of
3 the statutes; **relating to:** codifying administrative code provisions related to
4 voter identification.

Analysis by the Legislative Reference Bureau

Under current law, an applicant for a driver's license or identification card must provide to the Department of Transportation 1) an identification document that includes either the applicant's photograph or both the applicant's full legal name and date of birth; 2) documentation showing the applicant's date of birth, which may be the same as item 1; 3) proof of the applicant's social security number or verification that the applicant is not eligible for a social security number; 4) documentation showing the applicant's name and address of principal residence; and 5) documentary proof that the applicant is a U.S. citizen or is otherwise lawfully present in the United States.

In 2015 and 2017, DOT promulgated rules, the first establishing and the second modifying, a procedure by which persons requesting free identification cards for the purpose of voter identification could receive these cards despite being unable to provide required documentary proof. In general, the procedure requires an applicant to provide DOT with either 1) the applicant's full legal name, date of birth, place of birth, and any other birth record information requested by DOT; or 2) the applicant's alien or U.S. citizenship and immigration service number or U.S. citizenship certificate number. DOT then shares this information with the Department of

Health Services or the federal government for the purpose of verifying the applicant's identity. In general, a person may receive a voter identification card under this procedure if either DHS or the federal government verifies the person's identity or if DOT receives acceptable alternate documentation. This bill incorporates this verification procedure into the statutes.

DOT's 2017 rule also provided a procedure by which an applicant for an identification card could obtain a card with a name other than the name that appears on the applicant's supporting documentation. The bill also incorporates this procedure into the statutes.

Under current law, an unexpired identification card issued by an accredited university or college in this state may be used as identification for voting purposes if it contains a photograph and the signature of the person to whom it was issued, it expires no later than two years after the date of issuance, and the person establishes that he or she is enrolled as a student at the university or college on election day. The Government Accountability Board (now the Elections Commission) promulgated a rule to clarify that an identification card issued by a technical college that is governed by this state's technical college system may be used for voting purposes. The bill codifies the rule.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 5.02 (6m) (f) of the statutes is amended to read:

2 5.02 (6m) (f) An unexpired identification card issued by a university or college
3 in this state that is accredited, as defined in s. 39.30 (1) (d), or by a technical college
4 in this state that is a member of and governed by the technical college system under
5 ch. 38, that contains the date of issuance and signature of the individual to whom it
6 is issued and that contains an expiration date indicating that the card expires no
7 later than 2 years after the date of issuance if the individual establishes that he or
8 she is enrolled as a student at the university or college on the date that the card is
9 presented.

10 **SECTION 2.** 343.165 (8) of the statutes is created to read:

1 343.165 (8) Notwithstanding subs. (1) to (4), for an applicant requesting that
2 an identification card be provided without charge for purposes of voting, all of the
3 following apply:

4 (a) Except as provided in par. (b), if a person is unable to provide proof of name
5 and date of birth, and the documents are unavailable to the person, the person may
6 make a written petition to the department for an exception to the requirements of
7 sub. (1) (a) or (b). The application shall include proof of identity and all of the
8 following:

9 1. A certification of the person's name, date of birth, and current residence
10 street address on the department's form.

11 2. An explanation of the circumstances by which the person is unable to provide
12 proof of name and date of birth.

13 3. Whatever documentation is available that states the person's name and date
14 of birth.

15 (b) 1. If a person applies for and requests an identification card without charge
16 for the purposes of voting and the person's proof of name and date of birth or of proof
17 of citizenship, legal permanent resident status, conditional resident status, or legal
18 presence is unavailable, the person may make a written petition to the department
19 for an exception to the requirement for which proof is unavailable. The department
20 shall provide appropriate translation for any person who is unable to read or
21 understand the petition process instructions and related communications under this
22 subsection or s. 343.50 (1) (c) 2. The petition shall include the person's statement
23 under oath or affirmation of all of the following:

1 a. That the person is unable to provide proof of name and date of birth or proof
2 of citizenship, legal permanent resident status, conditional resident status, or legal
3 presence.

4 b. That the documents are unavailable to the person.

5 c. His or her name, date of birth, place of birth, and such other birth record
6 information requested by the department, or the person's alien or U.S. citizenship
7 and immigration service number or U.S. citizenship certificate number.

8 2. Upon receiving a petition that meets the requirements under subd. 1., the
9 department of transportation shall forward the petition to the central office of its
10 division of motor vehicles for processing. The department of transportation shall
11 provide the person's birth record information to the department of health services,
12 for the sole purpose of verification by the department of health services of the
13 person's birth certificate information or the equivalent document from another
14 jurisdiction, other than a province of the Dominion of Canada, or to a federal agency
15 for the sole purpose of verifying the person's certificate of birth abroad issued by the
16 federal department of state, or of verifying the person's alien or U.S. citizenship and
17 immigration service number or U.S. citizenship certificate number. The department
18 of transportation shall open a file containing the petition and shall create therein a
19 report with a dated record of events, including all communication to or with the
20 applicant. The department of transportation may not complete processing of the
21 application prior to receiving verification under this subdivision, except as provided
22 in subd. 3.

23 3. If the department does not receive verification under subd. 2. within 30 days
24 or receives notice under subd. 2. that the birth information provided in the
25 application does not match that of the birth record custodian, the department shall

1 promptly notify the person in writing of that failure to verify and request the person
2 contact the department within 10 days. If the person does not respond within 10
3 days, the department shall send the person a 2nd letter with substantially similar
4 contents. If the person does not respond to the 2nd letter within 10 days and the
5 department knows the person's telephone number, the department shall call the
6 person on the telephone and notify the person that the birth information was not
7 verified and request the person provide additional information within 10 days. If 30
8 days have elapsed since the date of the first letter sent under this subdivision without
9 contact from the person, the department shall suspend the investigation and send
10 written notice that the person has not responded, that the department has no further
11 leads for it to locate or obtain secondary documentation or verification of birth
12 information, that the department has suspended its investigation or research until
13 such time as the person contacts the department, and that if within 180 days after
14 the date of the written notice the person fails to contact the department the petition
15 will be denied and no further identification card receipts will be issued under s.
16 343.50 (1) (c) 2. If the person fails to contact the department within 180 days after
17 the department suspends the investigation, the department shall deny the petition
18 in writing and shall inform the person that the department will resume the
19 investigation if the person contacts the department to discuss the petition.
20 Whenever the applicant contacts the department to discuss the petition, the
21 investigation under this subdivision shall begin anew, notwithstanding any prior
22 denial due to the person's failure to timely respond. The applicant shall act in good
23 faith and use reasonable efforts to provide additional information that could
24 reasonably lead the department to discover correct birth information or secondary
25 documentation as described in subd. 3g., to assist the department in processing the

1 application. The department shall investigate the petition and any additional
2 information provided under this subdivision with prompt and due diligence and shall
3 use reasonable efforts to locate and obtain the secondary documentation by pursuing
4 leads provided by the person. Investigations may only be completed within the
5 division of motor vehicles' central office by employees whose regular job duties
6 include investigation and fraud detection and prevention. If the investigation
7 discovers new or corrected birth information, the department of transportation shall
8 resubmit the new or corrected birth information to the department of health services
9 for verification under subd. 2. The department of transportation shall pay any
10 actual, necessary fees required by the record custodian to obtain the secondary
11 documentation.

12 3g. If the department of health services does not verify the birth record
13 information within 30 days, the department of transportation may issue an
14 identification card to the person only if the department of transportation receives
15 verification under subd. 2., if the person provides proof of name and date of birth or
16 proof of citizenship, legal permanent resident status, conditional resident status or
17 legal presence, or if the department of transportation receives other secondary
18 documentation acceptable to the department of transportation and deemed
19 sufficient under subd. 3., which may include the following:

- 20 a. Baptismal certificate.
- 21 b. Hospital birth certificate.
- 22 c. Delayed birth certificate.
- 23 d. Census record.
- 24 e. Early school record.
- 25 f. Family Bible record.

1 g. Doctor's record of post-natal care.

2 h. Other documentation deemed acceptable to the department of
3 transportation, within the department's reasonable discretion.

4 4. In this paragraph, "proof of citizenship, legal permanent resident status,
5 conditional resident status or legal presence" means any of the following:

6 a. A U.S. state or local government issued certificate of birth.

7 b. Valid U.S. passport.

8 c. Valid foreign passport with appropriate immigration documents, which shall
9 include or be accompanied by federal form I-94, arrival and departure record.

10 d. Certificate of U.S. citizenship.

11 e. A U.S. Certificate of naturalization.

12 f. Valid department of homeland security/U.S. citizenship and immigration
13 services federal form I-551, resident alien registration receipt card, issued since
14 1997.

15 g. Valid department of homeland security/U.S. citizenship and immigration
16 services federal form I-688, temporary resident identification card.

17 h. Valid department of homeland security/U.S. citizenship and immigration
18 services federal form I-688B or I-766, employment authorization document.

19 i. Valid department of homeland security/U.S. citizenship and immigration
20 services federal form I-571, refugee travel document.

21 j. Department of homeland security/U.S. citizenship and immigration services
22 federal form I-797, notice of action.

23 k. Department of homeland security/transportation security administration
24 transportation worker identification credential.

1 L. A U.S. department of state reception and placement program assurance
2 form (refugee version), which shall include or be accompanied by federal form I-94,
3 arrival and departure record.

4 m. Documentary proof specified in s. 343.14 (2) (es), that is approved by the
5 appropriate federal authority.

6 5. In this paragraph, "proof of identity" means a supporting document
7 identifying the person by name and bearing the person's signature, a reproduction
8 of the person's signature, or a photograph of the person. Acceptable supporting
9 documents include:

10 a. A valid operator's license, including a license from another jurisdiction,
11 except a province of the Dominion of Canada, bearing a photograph of the person.

12 b. Military discharge papers.

13 c. A U.S. government and military dependent identification card.

14 d. A valid photo identification card issued by Wisconsin or another jurisdiction,
15 except a province of the Dominion of Canada, bearing a photograph of the person.

16 e. A marriage certificate or certified copy of judgment of divorce.

17 f. A social security card issued by the social security administration.

18 g. Any document described under subd. 6., if it bears a photograph of the person
19 and was not used as proof of name and date of birth.

20 h. Department of homeland security/transportation security administration
21 transportation worker identification credential.

22 6. In this paragraph, "proof of name and date of birth" means any of the
23 following:

24 a. For a person born in Wisconsin, a copy of the person's Wisconsin birth
25 certificate issued and certified in accordance with s. 69.21.

1 b. For a person born in another jurisdiction, other than a province of the
2 Dominion of Canada, a certified copy of his or her birth certificate or the equivalent
3 document from that other jurisdiction or a certificate of birth abroad issued by the
4 federal department of state.

5 c. A U.S. passport.

6 d. A valid, unexpired passport issued by a foreign country with federal I-551
7 resident alien registration receipt card or federal I-94 arrival and departure record
8 that bears a photograph of the person and identifies the person's first and last names,
9 and the person's day, month, and year of birth.

10 e. A Wisconsin operator's license bearing a photograph of the person.

11 f. A Wisconsin identification card issued under s. 343.50, bearing a photograph
12 of the person, other than an identification card issued under s. 343.50 (1) (c) 2.

13 g. A federal I-551 "permanent resident alien registration receipt card."

14 h. A federal I-94 "parole edition" or "refugees version" arrival-departure
15 record, together with a certification, on the department's form, by the person, of the
16 person's name and date of birth, a copy of a federal department of state refugee data
17 center reception and placement program assurance form and a letter from the
18 person's sponsoring agency on its letterhead, supporting the person's application for
19 a Wisconsin identification card or operator's license and confirming the person's
20 identification. Applicants who are unable to provide a reception and placement
21 program assurance form may be issued a Wisconsin identification card or operator's
22 license, but only after their identification has been confirmed by the U.S. citizenship
23 and immigration services.

24 i. A U.S. certificate of naturalization.

25 j. A certificate of U.S. citizenship.

1 k. A federal temporary resident card or employment authorization card, I-688,
2 I-688A, I-688B, and I-766.

3 L. A Native American identification card that is issued by a federally
4 recognized tribe or a band of a federally recognized tribe, is issued in Wisconsin,
5 includes a photograph and signature or reproduction of a signature of the person, and
6 has been approved by the secretary for use as identification.

7 m. A court order under seal related to the adoption or divorce of the individual
8 or to a name or gender change that includes the person's current full legal name, date
9 of birth, and, in the case of a name change or divorce order, the person's prior name.

10 n. An armed forces of the U.S. common access card or DD Form 2 identification
11 card issued to military personnel.

12 o. Department of homeland security/transportation security administration
13 transportation worker identification credential.

14 7. In this paragraph, "unavailable" means that the applicant does not have the
15 document and would be required to pay a government agency to obtain it.

16 (c) The administrator may delegate to the deputy administrator or to a bureau
17 director, as described in s. 15.02 (3) (c) 2., whose regular responsibilities include
18 driver licensing and identification card issuance, the authority to accept or reject
19 such extraordinary proof of name, date of birth, or U.S. citizenship under this
20 subsection.

21 (e) The denial of a petition under par. (b) is subject to judicial review in the
22 manner provided in ch. 227 for the review of administrative decisions.

23 (f) If the administrator, or delegate described in par. (c), determines that an
24 applicant has knowingly made a false statement or knowingly concealed a material
25 fact or otherwise committed a fraud in an application, petition, or additional

1 information, the department shall immediately suspend the investigation, shall
2 notify the person in writing of the suspension and the reason for the suspension, and
3 refer any suspected fraud to law enforcement.

4 (g) A person whose petition is suspended or denied due to a failure to respond
5 timely may revive the petition at any time by contacting the department to discuss
6 the petition application. If a person revives a petition, the department shall
7 immediately issue, and shall continue to reissue, an identification card receipt to the
8 person as provided in s. 343.50 (1) (c) 2., except that the department shall first
9 require the person to take a photograph if required under s. 343.50 (1) (c) 2.

10 (h) The department shall grant a petition if the department concludes, on the
11 basis of secondary documentation or other corroborating information, that it is more
12 likely than not that the name, date of birth, and U.S. citizenship provided in the
13 application is correct.

14 **SECTION 3.** 343.50 (1) (c) of the statutes is renumbered 343.50 (1) (c) 1. and
15 amended to read:

16 343.50 (1) (c) 1. The department may issue a receipt to any applicant for an
17 identification card, and shall issue a receipt to an applicant requesting an
18 identification card under sub. (5) (a) 3., which receipt shall constitute a temporary
19 identification card while the application is being processed and shall be valid for a
20 period not to exceed 60 days. If the application for an identification card is processed
21 under the exception specified in s. 343.165 (7) or (8), the receipt shall include the
22 marking specified in sub. (3) (b).

23 **SECTION 4.** 343.50 (1) (c) 2. of the statutes is created to read:

24 343.50 (1) (c) 2. If the department issues a receipt to an applicant petitioning
25 the department under s. 343.165 (8), all of the following apply:

1 a. The department shall issue the receipt not later than the 6th working day
2 after the person made the petition and shall deliver the receipt by 1st class mail,
3 except that if a petition is filed or revived within 7 days before or 2 days after a
4 statewide election the department shall issue a receipt not later than 24 hours after
5 the petition is filed or revived and shall deliver the receipt by overnight or next-day
6 mail. The department shall issue a new receipt to the person not later than 10 days
7 before the expiration date of the prior receipt, and having a date of issuance that is
8 the same as the expiration date of the prior receipt. The department shall issue no
9 receipt to a person after the denial of a petition under s. 343.165 (8), unless the person
10 revives an investigation. The department shall continue to reissue identification
11 card receipts to a person unless the department cancels the identification card
12 receipt upon the circumstances specified in sub. (10), upon the issuance of an
13 operator's license or identification card to the person, upon the person's request,
14 upon the denial of the application, upon return to the department of a receipt as
15 nondeliverable, upon the person's failure to contact the department to discuss the
16 petition for a period of 180 days or more, or whenever the department receives
17 information that prohibits issuance of an identification card under sub. (1) (c). The
18 department shall require the person to take a photograph prior to reissuing an
19 identification card receipt if the photograph of the person on file with the department
20 is 8 or more years old.

21 b. An identification card receipt issued under this subdivision shall constitute
22 a temporary identification card while the application is being processed under s.
23 343.165 (8) and shall be valid for a period not to exceed the period specified in sub.
24 (1) (c). The department shall clearly mark the receipt "FOR VOTING PURPOSES
25 ONLY" as validated for use for voting as provided in ss. 5.02 (6m) (d) and 6.79 (2) (a).

1 A receipt issued under this subsection shall contain the information specified under
2 s. 343.17 (3), including the date of issuance, the expiration date, the name and
3 signature of the person to whom it was issued, and, except as authorized in sub. (4g),
4 a photograph of the individual to whom it was issued, and may contain such further
5 information as the department deems necessary.

6 c. The department shall issue a replacement identification card receipt under
7 subd. 1. a. upon request of the person to whom it is issued if the receipt is lost or
8 destroyed.

9 d. Notwithstanding subd. 2. a., the department shall cancel or refuse to issue
10 an identification card receipt under this subsection upon the circumstances specified
11 in sub. (10), upon the issuance of an operator's license or identification card to the
12 person, upon the person's request, upon the denial of the application, upon return to
13 the department of a receipt as nondeliverable, or whenever the department receives
14 information that prohibits issuance of an identification card under subd. 1.

15 e. Whenever any person, after receiving an identification card receipt under
16 this subdivision, moves from the address named in the application or in the receipt
17 issued to him or her or is notified by the local authorities or by the postal authorities
18 that the address so named has been changed, the person shall, within 30 days, notify
19 the department of his or her change of address. Upon receiving a notice of change of
20 address, the department shall promptly issue a new receipt under subd. 2. a. showing
21 the correct address and having the expiration date of the prior receipt.

22 **SECTION 5.** 343.50 (3) (b) of the statutes is amended to read:

23 343.50 (3) (b) If an identification card is issued based upon the exception
24 specified in s. 343.165 (7) or (8), the card shall, in addition to any other required

1 legend or design, be of the design specified under s. 343.17 (3) (a) 14. and include a
2 marking similar or identical to the marking described in s. 343.03 (3r).

3 **SECTION 6.** 343.50 (3) (c) of the statutes is created to read:

4 343.50 (3) (c) 1. Notwithstanding par. (a), the department may issue an
5 identification card bearing a name other than the name that appears on a supporting
6 document if the person provides evidence acceptable to the department that the
7 person has used the name in a manner that qualifies the name as being legally
8 changed under the common law of Wisconsin, including evidence of the person's prior
9 name, changed name, the length of time the person has consistently and
10 continuously used the changed name, an affirmation that the person no longer uses
11 the prior name, and an affirmation that the person did not change his or her name
12 for a dishonest or fraudulent purpose or to the injury of any other person. The
13 department shall mark an identification card issued under this subdivision in the
14 manner described in s. 343.03 (3r).

15 2. Notwithstanding par. (a), the department shall approve a name change
16 requested by a person who cannot provide supporting documentation of a lawful
17 change of name but who does one of the following:

18 a. Provides proof of identity in the new name, and the department receives from
19 the federal social security administration evidence or confirmation of the name
20 change.

21 b. Applies for an identification card and provides an affidavit declaring all facts
22 required under subd. 1. to prove a name change under the common law of Wisconsin.

23 (END)